

**APR 17 2006**

**NOT FOR PUBLICATION**

**UNITED STATES COURT OF APPEALS**

**CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS**

**FOR THE NINTH CIRCUIT**

JOSE LUIS CABUTO GURROLA; et al.,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney  
General,

Respondent.

No. 04-75801

Agency Nos. A75-696-100

A75-696-101

A75-696-102

A75-696-103

MEMORANDUM\*

On Petition for Review of an Order of the  
Board of Immigration Appeals

Submitted April 5, 2006\*\*

Before: HAWKINS, McKEOWN, and PAEZ, Circuit Judges.

Jose Luis Cabuto Gurrola, Norma Alicia Cabuto Cedano, Paola Isabel  
Cabuto Cabuto, and Jose Luis Cabuto Cabuto, natives and citizens of Mexico,  
petition pro se for review of the Board of Immigration Appeals' ("BIA") order

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\* This disposition is not appropriate for publication and may not be  
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

\*\* The panel unanimously finds this case suitable for decision without  
oral argument. *See* Fed. R. App. P. 34(a)(2).

denying their motion to remand to allow them to seek relief under the Convention Against Torture (“CAT”). We have jurisdiction pursuant to 8 U.S.C. § 1252. Reviewing for abuse of discretion, *see Malhi v. INS*, 336 F.3d 989, 993 (9th Cir. 2003), we deny the petition for review.

The BIA did not abuse its discretion in denying petitioners’ motion to remand because they failed to make a prima facie showing that it is more likely than not that they would be tortured if removed to Mexico. *See* 8 C.F.R. § 208.16(c)(2) (applicant for CAT relief bears burden of establishing “that it is more likely than not that he or she would be tortured if removed to the proposed country of removal”); *Rodriguez v. INS*, 841 F.2d 865, 867 (9th Cir. 1987) (noting that motion to remand requires showing of prima facie eligibility for relief sought).

**PETITION FOR REVIEW DENIED.**